

# **PUBLIC HEARING and CITY COUNCIL MEETING MINUTES**

**August 19<sup>th</sup>, 2024 @ 7:00PM**

at Notus Community Center, 389 1<sup>st</sup> Street, Notus, ID, 83656

## **1. Meeting Called to Order**

The meeting was called to order by the Mayor David Porterfield at 7:08 p.m.

## **2. Roll Call**

Roll call was taken with the following results: Council President Steve Ahlborn, Councilmen Rob Hartsock, Devin Krasowski, and Councilwoman Lupita Conner, present. Also present: Mayor David Porterfield, Public Works, Tyler Martin, City Planner and Engineer, Antonio Conti and City Attorney Bryan Norton.

## **3. Pledge of Allegiance**

## **4. Public Hearing to receive public comment regarding the proposed FY 24-25 Budget for the fiscal year from October 1, 2024, to September 30, 2025, pursuant to Idaho Code 50-1002 and 63-802.**

Mayor opened public hearing. Asked if there was any exparte' communication to disclose. None given. City Clerk stated the public hearing was correctly advertised and noticed. The FY 24-25 budget was reviewed. Total revenue and expenditure are \$896,125.00. General Fund \$291,895.00. Water Fund \$162,900.00. Sewer Fund \$204,570.00. Sanitation Fund \$42,703.00. Street Fund \$194,057.00. No written testimony was submitted for the record. No public signed in to speak. Krasowski motioned to close the public hearing. Ahlborn seconded. Roll call was taken with the following results: Krasowski; yes, Ahlborn; yes, Connor; Hartsock; yes. Motion carried.

## **5. Consent Agenda, Action Items**

### **5.1 Disbursement List**

Ahlborn motioned to pay the disbursements in the amount of \$1780.26. Krasowski seconded the motion. Roll call was taken with the following results: Ahlborn; yes, Krasowski; yes, Connor; yes, Hartsock; yes. Motion carried.

### **5.2 Council Meeting Minutes**

None presented.

## **6. Business**

### **6.1 Approval of FY 24-25 Budget, ACTION ITEM**

The FY 24-25 budget total revenue and expenditure are \$896,125.00. General Fund \$291,895.00. Water Fund \$162,900.00. Sewer Fund \$204,570.00. Sanitation Fund \$42,703.00. Street Fund \$194,057.00. Krasowski motioned to approve the FY24-25 Budget. Hartsock seconded. Mayor thanked Staff for all the help with the budget as the City Treasurer has been out. Roll call was taken with the following results: Krasowski; yes, Hartsock; yes, Ahlborn; yes, Connor; yes. Motioned carried.

### **6.2 FY 24-25 Budget Appropriations Ordinance for FY 24-25, ACTION ITEM**

Hartsock motioned to suspend the 3-reading rule requiring ordinances be read on three separate days and once in full, and that the ordinance be read once, by title only. Krasowski seconded the motion. Roll call was taken with the following results: Hartsock; yes, Krasowski; yes, Ahlborn; yes, Connor; yes. Motion carried.

Krasowski motioned to approve Ordinance # 482, FY24-25 Budget Appropriations. Hartsock seconded. Roll call was taken with the following results: Krasowski; yes, Hartsock; yes, Ahlborn; yes, Connor; yes. Motion carried.

### **6.3 Continued Deliberation of Annexation and rezone of 34.23 acres and preliminary plat of 66.65 acres for Conway Ridge Subdivision, ACTION ITEM**

Mayor introduced Tanner Leighton, applicant. He submitted updated comps for Council review. He stated that their grant writer was actively looking at available money from the Federal Infrastructure Grant program. They are also looking into Idaho Housing to partnership with on this development. Connor asked if they are interested in working with the City for a new well. Would they be willing to pay ½ million dollars towards a new well. Tanner responded that he can't agree to speculation figures but is willing to

work with the City because if this gets approved it would then be their water needs as well. Connor is concerned with school bonds and excess traffic. She stated that she took the traffic study provided in the application and met with ITD to question them about it. Ahlborn commented that the School District receives more property tax money than the City does. Connor motioned to reopen the public hearing for public comment. Krasowski seconded the motion. Roll call was taken with the following results: Connor; yes, Krasowski; yes, Ahlborn; yes, Hartsock; yes. Motion carried.

Jennifer Bruner was recognized by the Mayor. She stated that the development would be about 10 ft from her back door. She would like to request that a berm be put in since she has livestock. Mayor recognized Doug Clapp. He stated that at some point the City will grow but is concerned with such an enormous growth. Need to build slowly. Mayor recognized Ken Fipps. He commented that the (comp) tax and numbers are not close to what he pays. He favors responsible, slow growth. He doesn't see how residents would be able to afford it. Krasowski stated that regardless of development, we need to rehab our existing well or drill a new one. We need to. How would he feel about a fee increase of \$25.00-\$30.00 for a new well. Fipps is not in favor of that. Mayor recognized James Connor. He asked the developer if they can build and then rent out the homes? Asked Council if they have considered these homes becoming rentals? He is concerned with traffic, at peak hours traffic at 20/26 is dangerous. Mayor recognized Ann Horn-Platz. She is not against some growth, but this is happening too fast. There are too many entrances on Notus Road. The farmer filled in the drain ditch, who is going to fix that? Mayor recognized Robert Bahruth. He has concerns. Measured growth is good but not hostile take over of town and Council. Progress with the property already in town. The traffic is an issue. Conway is more suitable road for in and out. He asked Council to crunch the numbers again because the Council is here to represent the citizens. Krasowski motioned to close the public hearing. Hartsock seconded. Roll call was taken with the following results: Krasowski; yes, Hartsock; yes, Ahlborn; yes, Connor; yes. Motion carried. Mayor stated the public hearing is closed and returning to topic 6.3.

Mayor asked about the project phasing timeline. Tanner stated that it is dependent on the market conditions for responsible growth, 7 years or more for build out. That could be covered with a development agreement. Hartsock asked proceed with the top property (closest to school)? Tanner replied that is what he thought the residents wanted, connectivity to the schools. Mayor asked about walkway to school and how are they going to work around the Conway Gulch. Tanner responded that Black Canyon Irrigation said no crossing of the Gulch. He has inquired about a pathway along side the Gulch but has had no response from them. Ahlborn asked if the developer would help pay for DEQ well compliance. Tanner stated that DEQ study indicates no new housing (without redundant water source) so the development is directly tied to a new well. We are not sure of the costs yet but will partnership with the City. Development should pay for itself. We can't build until this is addressed. Mayor explained the city water situation to those in attendance. Well #2 (Tower Park) upper seals leak like a sieve and the arsenic levels are rising.

**Clerk Note\*\***Councilman Krasowski leaves at 8:47 PM.

Well #4 doesn't have enough draw for fire flow. Can well #2 be rehabbed or we need to drill new.

**Clerk Note\*\***Councilman Krasowski returns at 8:49 PM.

No matter what we do the cost will be on the current residents. There is an opportunity to help with costs. A partnership and new residents can help with that cost. Tyler Martin, Public Works commented that the scary thing is, with no back up well, if well #4 goes down, we are no longer a city. Hartsock would like to see better number comps. Ahlborn asked when the Development Agreement would come into play. Tanner explained that if the proposal is approved, then we move into the development agreement with Council conditions. If an agreement is not reached then the annexation and development just go away. City Engineer explained that the wastewater facility plan indicates 900 can be served. Some minor work needs to be done. Tanner explained that he has talked with the owner of the property next to the current lagoon treatment ponds and they are agreeable to allow sewer expansion. Sewer system still needs a generator and waiting on a new DEQ permit or need to move to UV light disinfection. Connor motioned to deny annexation because it would double the size of the City, we have 100 signatures..... Attorney interrupts and explains she needs to make a motion, not a statement. Connor recalls original motion. Connor commented that this would double the size of the City, be too much economic impact on the citizens, we have over 100 signatures and she wants to represent those that elected her. Connor motioned to deny the annexation. Motion dies for lack of second. Connor motioned to table this whole topic 6.3 to a future meeting. Motion dies for lack of a second. Tanner appreciates the magnitude of this decision. But to take the next steps. Approval contingent upon development agreement. Krasowski is not comfortable of any sort of approval without findings because it leaves to many assumptions. The magnitude is just not appealing. 200 people are more appealing than 500. Connor stated 169 residences is

a high number and a financial impact. Connor motioned to table to a date uncertain in the future. Mayor asked for a second. Krasowski asked Connor what more information are you wanting? Connor stated more about DEQ water, school bond, Notus Parma Highway. Attorney commented to have the Mayor get the information for the next meeting. Ahlborn commented that business comes when people are there. As for safety and traffic, highway just gets busier, whether this development comes or not. Krasowski commented if this was for 70 lots, he thinks there would be an approval.

**Clerk Note\*\*** 5-minute recess called by Mayor at 9:57 pm. Krasowski leaves building at 10:02 pm.

Connor leaves building at 10:03 pm. Attorney explained what to do since there is no Council quorum. Krasowski returns to the building at 10:04 pm. Now have the council quorum to continue meeting.

Mayor calls meeting back to order at 10:04 pm with three council members present. Attorney stated that any motion Connors made is dead since she left the meeting. Ahlborn stated need to clarify one item. Why we have a (Council attendance) ordinance is to encourage participation. If Councilor needs to leave, to let us know why, what the purpose is, so we can understand. Because we have had in the past a Councilor that would just walk out knowing that it would leave no quorum. We could not do any business at that time. There was no intent, ever, to try to arrest someone on the council. The purpose of the ordinance had a very specific reason at the time, to encourage people to use their voice in a meeting and not just walking out.

**Clerk Note\*\*** Conner returns to meeting at 10:08 pm. Full council in attendance.

Mayor seeks definition of continue discussion meaning or to table topic meaning since the need of additional information assumes to continue this discussion. Also define the information being sought. Krasowski questions the phasing plan. Proposal is 8 phases. Ahlborn commented that the park (build out) is late in the project, perhaps developer would consider building a play structure in our Tower park? Tanner is agreeable to that. Krasowski asked about HB 389 impact analysis. Tanner stated that they tried to but can not speculate on that. It could be a condition of the development agreement, to hold building permits until tax revenue is addressed. Krasowski questions the water and sewer capacity. Tanner stated he is willing to work on those in the development agreement but needs approval to be able to get to that next step. Connor asked if they would consider 70 homes. Tanner stated this application is for 167. Krasowski stated how can we make a finding? Tanner commented that could all be part of the development agreement. If we do not agree, then the annexation can be reversed. Krasowski suggested they clarify if Black Canyon Irrigation has jurisdiction of the Gulch. Concerned over the intersection at the school. Tanner indicated a lighted sign and new crosswalk would be covered in the construction drawing phase. Mayor asked about Conway Road side of development. Tanner stated they planned to match what Kremmwood has. Ahlborn motioned to approve annexation and rezone of 34.23 acres and preliminary plat of 66.65 acres contingent upon a development agreement for Conway Ridge Subdivision. Hartsock seconded. Krasowski commented that it's not clear if the application is appealing to the public, as a whole. Ahlborn stated that we have to weigh the public interest as well. They did the work we asked them to do, from 229 down to 169, that's a big change for them and the revenue stream to be lowered because of what we are asking from them. Connor agreed, but doubling the population is too much. Public is not in favor of it. She would like to work with half the amount of homes. Hartsock commented that we need to make sure we have those conditions lined up and well thought out because nothing happens until the conditions are agreed to. Ahlborn stated that, that all gets voted on as well. Roll call was taken with the following results: Ahlborn; yes, Hartsock; yes, Krasowski; no, Connor; no. Tie breaker vote, Mayor; yes. Motion passed. Mayor commented that we will start work on the development agreement and see where it leads us.

## **7. Mayor & Council Comment**

Ahlborn stated that the (council attendance) ordinance that we had put in place out of the frustration of a lack of quorum to make big decisions. Encouraging the council to come to the meetings. The intent is appropriate to respect the process but, ultimately it is to encourage attendance and the need to show respect for those attending meetings. Things happen in life but if someone doesn't want to be here, they don't want to be here. Perhaps have this on a future agenda for discussion.

## **8. Adjournment**

Krasowski motioned to adjourn at 10:52 pm. Ahlborn seconded. All in favor. Motion carried.

Respectfully submitted by Loretta Vollmer, idCMC, Notus City Clerk \_\_\_\_\_

Approved by David Porterfield, Mayor \_\_\_\_\_